

Fiscal Note

Fiscal Services Division



HF 2399 – Domestic Abuse Assault (LSB5250HV)

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Fiscal Note Version – New

Description

House File 2399 relates to the crime of domestic abuse and other offenses involving a domestic relationship.

Background

This bill requires a person to undergo a mandatory risk assessment if any of the following apply:

- They have had a conviction for violation of a no-contact order or protective order;
- They have been served with contempt of court for violation of a no-contact order; or protective order;
- They have been placed under an order for supervision by the Judicial District Department of Correctional Services, or ordered to participate in a batterers' treatment program.

The risk assessment must be performed by the Judicial District Department of Correctional Services, or a contract service provider, using a validated risk assessment developed by the Board of Parole (BOP) and approved by the Department of Corrections (DOC). The court is required to consider the risk assessment when determining appropriate conditions for release of a defendant and to determine if there are sufficient conditions to reduce the risk to another individual, detecting threatening or criminal behavior, and increasing the safety of individuals and the general public.

The bill allows the court to order a defendant to participate in a program utilizing an electronic tracking and monitoring system as a condition of release. If an electronic tracking and monitoring system is ordered, the defendant must pay the costs associated with the system. If the defendant fails to pay those costs, the court may impose garnishment of the defendant's wages.

The bill also requires a person to serve a three-year mandatory minimum prison sentence if they are convicted of a third or subsequent domestic abuse assault (a class D felony). This person will be prohibited from receiving a deferred judgement or sentence, or a suspended sentence.

This bill also establishes a one-year mandatory minimum sentence for individuals convicted of harassment in first degree in violation of Iowa Code chapter [708.7\(2\)](#), and the offense involved a domestic relationship. This person will also be prohibited from receiving a deferred judgement or sentence.

Currently, both the DOC and the BOP use a validated risk assessment model when evaluating all offenders, and that model features a violence risk scale predicting the likelihood of a new violent crime. It is used when evaluating domestic abuse offenders for release or intensive supervision.

Assumptions

- Charge, conviction, sentencing patterns, and trends will not change over the projection period.
- The law will become effective July 1, 2016. There will be a six-month lag between the effective date of this bill and when the first case occurs.

- Revocation rates and other corrections policies and practices will not change over the projection period.
- Offenders currently sentenced to prison will remain in prison longer.
- There may be a CBC impact on workload related to the required risk assessments, however, that has not been quantified by the DOC.
- If offenders are currently under supervision, a risk assessment may already have been completed.
- The correctional impact will begin in FY 2018 when those individuals initially convicted under the provisions of this bill will begin serving longer sentences.
- Daily marginal costs for the five-year correctional impact will remain stable.

Correctional Impact

No additional persons will be convicted because of the provisions in this bill. The impact will occur because the length of stay for these offenders will increase due to imposed mandatory minimums. This impact will begin in FY 2018 and the additional costs are outlined in the fiscal impact. For additional information, refer to the Legislative Services Agency (LSA) [Correctional Impact Statements Memo](#) dated February 18, 2016.

Minority Impact

One-third of Domestic Abuse-3rd convictions in FY 2015 were committed by African Americans. In year four of this bill's effect, it is estimated that 71 additional inmates will be serving sentences. Of these 71, 23 (32.2%) are estimated to be African American. This will lead to a disproportionate minority impact, as African Americans currently make up 3.4% of Iowa's population. Refer to the LSA [Minority Impact Statement Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact to the DOC will begin in FY 2018 as offenders begin serving longer sentences. The additional cost will stabilize in FY 2020. See the table below for details.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Prison Pop. Increase	0	10	50	71	71
Marginal Costs/Day	\$18.43	\$18.43	\$18.43	\$18.43	\$18.43
Days	365	365	365	365	365
Addtl Est. Annual Cost	0	\$68,000	\$336,000	\$478,000	\$478,000

The potential cost of increased workload related to the required risk assessments has not been quantified by the DOC.

Sources

Department of Corrections
Office of the State Court Administrator
Board of Parole
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the LSA upon request.